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Attorneys for Plaintiff Michael Rodman
on behalf of himself and all others
similarly situated

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RODMAN, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

SAFEWAY, INC.,

Defendant

No. CV 11-03003 JSW

**DECLARATION OF
TIMOTHY N. MATHEWS IN
SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

I, Timothy N. Mathews, declare as follows:

1. I am a partner in the law firm of Chimicles & Tikellis LLP, counsel for Plaintiff Michael Rodman in this action.

DEC. OF MATHEWS IN SUPPORT OF CLASS CERTIFICATION

2. On or about October 16, 2012, Plaintiff Michael Rodman produced approximately 500 pages of documents in response to Defendant Safeway Inc.'s requests for the production of documents, which included approximately five years of Rodman's personal credit card and bank statements requested by Safeway.

3. On or about July 31, 2012, Plaintiff Michael Rodman served verified responses to ten interrogatories served by Defendant Safeway in its First Set of Interrogatories.

4. On or about August 7, 2013, Plaintiff Michael Rodman served a verified response to Safeway's Second Set of Interrogatories.

5. Plaintiff Michael Rodman agreed to travel to attend his deposition scheduled for June 20, 2013 in San Francisco.

6. Plaintiff Michael Rodman also agreed to travel to attend his deposition scheduled for Aug 15, 2013 in New York.

7. Attached as Exhibit A is a true and correct copy of Defendant Safeway Inc's Supplemental Responses to Plaintiff's Interrogatories, Set Three.

8. Attached as Exhibit B is a true and correct copy of excerpts of the deposition of Safeway's designee, Michael McCready.

9. Attached as Exhibit C is a true and correct copy of Special Terms which were marked as Exhibit 44 to the deposition of Safeway's designee, Steve Guthrie.

10. Attached as Exhibit D are true and correct copies of the receipts provided to Plaintiff Michael Rodman upon delivery for his orders placed through Safeway.com.

11. Attached as Exhibit E is a true and correct copy of a document produced by Safeway which was marked as Exhibit 9 to the deposition of Safeway's designee, McCready.

12. Attached as Exhibit F is a true and correct copy of a document produced by Safeway which was marked as Exhibit 3 to the deposition of Safeway's designee, McCready.

13. Attached as Exhibit G is a true and correct copy of a document produced by Safeway which was marked as Exhibit 6 to the deposition of Safeway's designee, McCready.

1 14. Attached as Exhibit H is a true and correct copy of a document produced by
2 Safeway which was marked as Exhibit 40 to the deposition of Safeway's designee, Matt
3 Campbell.

4 15. Attached as Exhibit I is a true and correct copy of Defendant Safeway Inc's
5 Response to Plaintiff's Interrogatories, Set Two.

6 16. Attached as Exhibit J is a true and correct copy of a document produced by
7 Safeway which was marked as Exhibit 15 to the deposition of Safeway's designee, McCready.

8 17. Attached as Exhibit K is a true and correct copy of a document produced by
9 Safeway which was marked as Exhibit 17 to the deposition of Safeway's designee, McCready.

10 18. Attached as Exhibit L is a true and correct copy of Defendant Safeway Inc's
11 Supplemental Response to Plaintiff's Interrogatories, Set Four

12 19. Attached as Exhibit M is a true and correct copy of a document produced by
13 Safeway which was marked as Exhibit 18 to the deposition of Safeway's designee, McCready.

14 20. Attached as Exhibit N is a true and correct copy of a document produced by
15 Safeway which was marked as Exhibit 25 to the deposition of Safeway's designee, McCready.

16 21. Attached as Exhibit O is a true and correct copy of excerpts of the deposition
17 transcript of Safeway's designee, Michael McCready.

18 22. Attached as Exhibit P is a true and correct copy of a document produced by
19 Safeway which was marked as Exhibit 24 to the deposition of Safeway's designee, McCready.

20 23. Attached as Exhibit Q is a true and correct copy of a document produced by
21 Safeway which was marked as Exhibit 8 to the deposition of Safeway's designee, McCready.

22 24. Attached as Exhibit R is a true and correct copy of a document produced by
23 Safeway which was marked as Exhibit 12 to the deposition of Safeway's designee, McCready.

24 25. Attached as Exhibit S is a true and correct copy of a screenshot of a Safeway
25 delivery registration page, which requires consumers to click a box agreeing to the Special
26 Terms in order to complete the registration process, which I printed from Safeway.com's
27 registration page on October 7, 2011.

26. Attached as Exhibit T is a true and correct copy of a document produced by Safeway which was marked as Exhibit 49 to the deposition of Safeway's designee, Guthrie.

27. Attached as Exhibit U is a true and correct copy of Defendant Safeway Inc's Response to Plaintiff's First Set of Requests for Admission.

28. Attached as Exhibit V is a true and correct copy of a document produced by Safeway which was marked as Exhibit 19 to the deposition of Safeway's designee, McCready.

29. Attached as Exhibit W is a true and correct copy of document produced by Safeway which was marked as Exhibit 20 to the deposition of Safeway's designee, McCready.

30. Attached as Exhibit X is a true and correct copy of document produced by Safeway which was marked as Exhibit 21 to the deposition of Safeway's designee, McCready.

31. Attached as Exhibit Y is a true and correct copy of a Costco Business Delivery Customer Service webpage that I printed on September 26, 2013, from the webpage: <http://www2.costco.com/Service/FeaturePage.aspx?splash=0&ProductNO=10166065>

32. Attached as Exhibit Z is a true and correct copy of the firm resume for Chimicles & Tikellis LLP.

33. Attached as Exhibit AA is a true and correct copy of the firm resume for Shepherd, Finkelman, Miller & Shah, LLP.

34. Attached as Exhibit BB is a true and correct copy of Peapod's pricing information," which I printed from a pop-up page that appears upon clicking the link titled "Pricing Policy" on the Peapod homepage on September 26, 2013, available at: www.Peapod.com.

35. Attached as Exhibit CC is a true and correct copy of excerpts of the deposition transcript of Safeway's designee, Matt Campbell.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 27, 2013

Timothy N. Mathews

Timothy N. Mathews

DEC. OF MATHEWS IN SUPPORT OF CLASS CERTIFICATION

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